

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6153

BILL NUMBER: SB 71

DATE PREPARED: Mar 4, 1999

BILL AMENDED: Mar 3, 1999

SUBJECT: DNA sampling of persons arrested for felonies.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires a person arrested for burglary, murder, or another Class A, Class B, or Class C felony against the person to submit a DNA sample for inclusion in the Indiana DNA data base. It increases the penalty for misuse of DNA information from a Class A misdemeanor to a Class D felony. It also requires expungement of the DNA profile upon order of a court or receipt of a notice of dismissal, acquittal, or reversal of the charges used to justify the taking of a DNA sample.

Effective Date: July 1, 1999.

Explanation of State Expenditures: (Revised) This bill would increase the number of DNA profiles processed annually by the State Police from the 3,300 (CY 1998, gathered from felons entering the Department of Correction) to about 6,700 persons arrested for Class A, B & C personal felonies and burglary.

The current, contracted cost to profile DNA is \$65 per sample. Based on 4,400 new samples, the added annual cost to the State Police could reach \$220,000. (This figure takes into consideration that about 32% of the current felons admitted to the DOC will not require reprocessing of DNA profiles already submitted to the DNA data base from arrest.) In order to input additional DNA profile data, it is estimated that one additional staff person (PAT II data entry personnel, \$30,824, base salary) would be required. The personnel expenditure, including fringe, for this person would be \$44,705 in FY 2000 and \$44,679 in FY 2001. Total annual expenditures could reach approximately \$265,000. Other additional, indeterminate costs may entail: (1) new refrigeration units for holding blood samples; and (2) added computer equipment.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. There were 229 vacancies (as of January 29, 1999) within the State Police from which a new

position could be filled. Ultimately, the source of funds and resources required to satisfy this provision will depend upon legislative and administrative actions. Funding for the Indiana State Police originates from the state General Fund and the Motor Vehicle Highway Fund.

This bill raises the penalty for misuse of DNA information from a Class A misdemeanor to a Class D felony. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between 6 months to 3 years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily. The average length of stay in DOC facilities for all Class D felony offenders is approximately seven months.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000 while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: (Revised) Local law enforcement agencies would be required to purchase and send DNA collection kits (\$3 per kit plus about \$2.50 mailing cost) to the State Police. Based on estimated felony figures, annual DNA collection costs would be about \$24,000 statewide. Also, blood sampling of offenders may indeterminately increase costs for medical services provided to law enforcement agencies (e.g, county jail medical service contracts). Both courts and law enforcement agencies may experience increased administrative costs for processing DNA samples and DNA profile expungement requests.

If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction; State Police.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Planning Division, Department of Correction; Indiana Sheriffs Association; Bob Conley, State Police, (317) 899-8518; Steve Hillman, State Police (317) 232-8204; Mike McConaha, Marion County Court Information Services, (317) 327-3312.